

**quinn emanuel trial lawyers | new york**

51 Madison Avenue, 22nd Floor, New York, New York 10010-1601 | TEL (212) 849-7000 | FAX (212) 849-7100

WRITER'S DIRECT DIAL NO.  
**(212) 849-7253**

WRITER'S INTERNET ADDRESS  
**isaacnesser@quinnemanuel.com**

January 15, 2016

**VIA ECF**

Hon. Susan Richard Nelson  
United States District Court  
774 Federal Building  
316 N. Robert Street  
St. Paul, MN 55101

Hon. Hildy Bowbeer  
United States District Court  
632 Federal Building  
316 N. Robert Street  
St. Paul, MN 55101

Re: In Re: RFC and ResCap Liquidating Trust Litigation, No. 13-cv-3451 (SRN/JJK/HB)

Your Honors:

Pursuant to the Court's Order (ECF No. 577), I write on behalf of the Parties to address the items on the Parties' Proposed Joint Agenda for the January 20, 2016 Case Management Conference.

**1. Status of Document Discovery**

The Parties will discuss the issues raised in the letters submitted by the Parties on January 15 and 18, 2016 regarding the status of document productions.

**2. Monthly Report of the Deposition Committee**

The Deposition Committee will report on the status of the scheduling of depositions pursuant to Pretrial Order No. 6 § IV.B.1.b.

**quinn emanuel urquhart & sullivan, llp**

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### **3. Depositions of Former RFC Employees Currently Employed by Wells Fargo**

A dispute has arisen regarding the depositions of several Wells Fargo employees who previously worked at RFC. Plaintiffs originally sought to resolve this dispute through the IDR process, but withdrew their IDR request after counsel for the witnesses adjourned the first two depositions and the parties agreed to add the dispute to the joint agenda for the status conference. The disputed issues are set forth in the letters submitted to the Court by the parties in conjunction with Plaintiffs' IDR request, attached hereto as Exhibits 1 and 2. The parties will be prepared to address these issues at the conference.

### **4. Monthly Report Regarding the Progress of Supplemental Initial Re-Underwriting Disclosures and Rebuttals**

The Parties will update the Court on the status of supplemental re-underwriting reports pursuant to Pretrial Order No. 6 § II.

### **5. Proposed Amended Case Management Order**

Pursuant to the Court's December 17, 2015 Minute Order (ECF No. 1169) ("December 17 Order"), the Parties have continued to meet and confer on a proposed amendment to the current Case Management Order, and have largely reached agreement. On behalf of the parties, attached as Exhibit 3, please find a disputed [Proposed] Amended Case Management Order ("Proposed Amended CMO"). The only disputed provision is in section V.B. The parties have included their respective proposed language in brackets within the Proposed Amended CMO. The parties will be prepared to discuss their respective positions at the status conference.

### **6. Discovery on Additional Loans Revealed Through Third Party Discovery**

Pursuant to the Court's December 17 Order, the parties will address their respective proposals regarding discovery on the additional loans revealed through third-party discovery responses. Defendants have filed letters outlining their respective positions at ECF Nos. 123 & 1237. Plaintiffs will be filing a response letter this evening.

### **7. Responsiveness Protocol for Gateway Bank and Defendants Represented by American Mortgage Law Group**

Pursuant to the Court's December 17 Order, the affected parties will submit their respective proposals to the Court regarding a further responsiveness review in the *Gateway* case and the cases represented by American Mortgage Law Group prior to the status conference and will be prepared to discuss the issues with the Court.

Respectfully submitted,

*s/ Isaac Nesser*

Isaac Nesser